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7 Attorneys for Defendant  
WESTERN CONFERENCE OF TEAMSTERS  
PENSION TRUST FUND  
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10 UNITED STATES DISTRICT COURT  
11 NORTHERN DISTRICT OF CALIFORNIA

12 JOHN T. KENDALL, Trustee,  
13 Plaintiff,  
14 vs.  
15 WESTERN CONFERENCE OF  
16 TEAMSTERS PENSION TRUST FUND;  
AND DEAN J. HEIKES,  
17 Defendants.

Case No. 11-CV-04775-CRB

**STIPULATION AND [PROPOSED] ORDER  
TO CORRECT FILING OF DOCUMENTS  
TRANSFERRED FROM BANKRUPTCY  
COURT**

18 Plaintiff JOHN T. KENDALL, TRUSTEE (“Plaintiff”) and Defendants WESTERN  
19 CONFERENCE OF TEAMSTERS PENSION TRUST FUND and DEAN J. HEIKES hereby agree  
20 to the following stipulation to be binding on the parties hereto and request this Court to approve the  
21 terms of this Stipulation to Correct Filing of Documents Transferred from Bankruptcy Court as set  
22 forth herein:

23 1. On August 31, 2011, Defendant Western Conference of Teamsters Pension Trust  
Fund (“Defendant”) filed by physical hard-copy with the U.S. Bankruptcy Court, Northern District  
24 of California (the “Bankruptcy Court”) a Motion to Withdraw Reference of Adversary Proceeding  
25 Pursuant to 28 U.S.C. § 157(d) (“Motion to Withdraw”), and a Declaration of Clarissa A. Kang in  
26 support thereof (the “Declaration”), in *Kendall v. Western Conference of Teamsters Pension Trust*  
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*Fund; and Dean J. Heikes, A.P. 11-4197 (the "Adversary Proceeding").*

2. On September 26, 2011 the Bankruptcy Court electronically transferred the Motion to Withdraw and the Declaration to this Court, combining them into Docket Nos. 1-7, 1-8 and 1-9.

3. The Declaration itself contained three exhibits. The parties only recently discovered that the following pages are missing from two of the three exhibits in the version of the documents appearing on the Court's electronic docket at Docket Nos. 1-7 and 1-8:

Exhibit A – Pages 97 and 98 of the Western Conference of Teamsters Pension Plan document; and

Exhibit B – Page 1 and 3 of the May 2, 2011 letter that counsel for Defendant sent to Randall Boone and Dean Heikes

4. Attached as Exhibits A and B, respectively to this Stipulation are full copies of the above-mentioned Exhibits A and B that were filed in hard copy with the Bankruptcy Court and served on counsel for Plaintiff John T. Kendall and on Defendant Dean J. Heikes on August 31, 2011. Mr. Heikes has not yet appeared in this action.

5. In light of the above and in the interests of time and efficiency, the parties agree that the Court should incorporate these corrected exhibits into the docket.

## IT IS SO STIPULATED.

DATED: November 3, 2011

## STROMSHEIM & ASSOCIATES

By: Johnson C.W. Lee  
Johnson C.W. Lee  
*Attorneys for Plaintiff*  
John T. Kendall, Trustee

DATED: November 2, 2011

TRUCKER ♦ HUSS

By: \_\_\_\_\_  
Clarissa A. Kang  
*Attorneys for Defendant*  
Western Conference of Teamsters Pension Trust  
Fund

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16 the Court should incorporate these corrected exhibits into the docket.

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18  
19 DATED: November 3, 2011

STROMSHEIM & ASSOCIATES

20 By: \_\_\_\_\_  
21 Johnson C.W. Lee  
22 Attorneys for Plaintiff  
John T. Kendall, Trustee

23  
24 DATED: November 3, 2011

TRUCKER ♦ HUSS

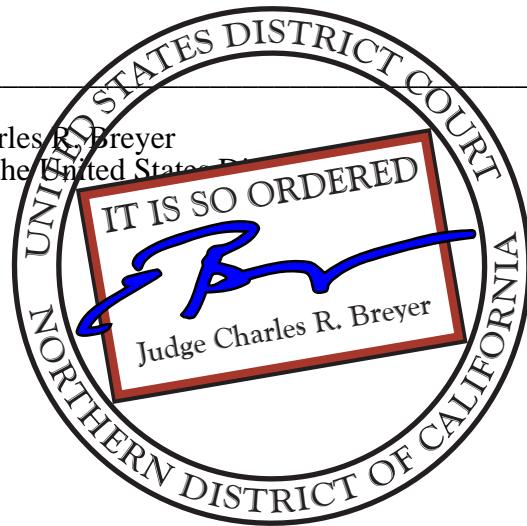
25 By: /s/Clarissa A. Kang  
26 Clarissa A. Kang  
27 Attorneys for Defendant  
Western Conference of Teamsters Pension Trust  
Fund

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PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: November 4, 2011

Hon. Charles R. Breyer  
Judge of the United States District Court



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